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May 11, 2011

Hon. Stanley R. Chesler  
United States District Judge  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**White v. Smiths Detection, Inc., et al.**  
**No. 2:10-cv-04078-SRC-MAS**

Dear Judge Chesler:

We represent Defendants Smiths Group plc and Philip Bowman in the above-referenced matter. On behalf of all Defendants, we write in response to Plaintiff's letter, filed with the Court today, concerning her Motion for Reconsideration of the Court's Order Dated April 18, 2011 and her related request to further amend her First Amended Complaint.

The new "facts" referenced in Plaintiff's letter have no conceivable relevance to the issues in this case. Specifically, Plaintiff refers to the announcement made last week by Smiths Detection that its President, Stephen Phipson, is stepping down. This event, occurring nearly a year after Plaintiff's resignation from Smiths Detection, has no bearing on her claims. It has nothing to do with her surviving claim that she was paid inequitably based on her gender while she was at Smiths Detection. Nor does it have anything to do with her dismissed claims challenging, on a variety of bases, her supposed "constructive discharge" from Smiths Detection in June 2010.

Moreover, Plaintiff's letter misrepresents the Smiths Detection announcement. The announcement did *not* state that Philip Bowman "has assumed the duties of President of Smiths Detection." Rather, the announcement states that the divisional management of Smiths Detection temporarily will report to Mr. Bowman in his capacity as the CEO of Smiths Group and that the search for Mr. Phipson's replacement is starting immediately. *See* Media Release, Smiths Detection Management Change (May 3, 2011), *available at* [http://www.smiths.com/press\\_release\\_details.aspx?releaseID=421](http://www.smiths.com/press_release_details.aspx?releaseID=421) (attached). If Plaintiff's contention is that this announcement should cause the Court to reconsider its determination that Mr. Bowman is not subject to personal jurisdiction, the contention is entirely without merit. For jurisdictional purposes, nothing has changed: formerly Mr.

Hon. Stanley R. Chesler

2

May 11, 2011

Phipson reported to Mr. Bowman and now divisional management will report to Mr. Bowman until Mr. Phipson's replacement is found. Plaintiff does not – and cannot – explain how the resignation of Mr. Phipson could conceivably change this Court's ruling that Plaintiff failed to demonstrate that Mr. Bowman had continuous and systematic contacts with New Jersey, purposefully availed himself of the forum or took acts aimed at the forum itself.

Defendants respectfully request that Plaintiff's motion for reconsideration be denied without the Defendants being required to undertake the burden and expense of filing an opposition brief. Plaintiff's letter admits that she seeks leave to amend the First Amended Complaint "to add facts that the court's opinion indicated are necessary to her causes of action." This is an admission that the standard for a motion for reconsideration has not been met. *See* L. Civ. R. 7.1(i) (motion for reconsideration must set forth concisely the matter or controlling decisions which the movant believes the Judge has "overlooked"). Plaintiff admits that her request for reconsideration is based on matters she would like to add to her pleading, not on matters she contends the Court "overlooked."

An examination of Plaintiff's brief in support of her motion for reconsideration underscores the point. Despite being 24-pages long and re-arguing extensively nearly every aspect of the Court's opinion, Plaintiff's brief does not even mention the proper standard on a motion for reconsideration, does not cite any controlling authority or matters which it contends the Court overlooked, and admits that the motion is based on allegations Plaintiff would like to add. Prior to the Court's ruling on Defendants' motion to dismiss, all the issues were extensively briefed, including in two rounds of supplemental briefing, and were the subject of a lengthy oral argument. At this point, preparing a brief re-arguing the same issues yet again in order to oppose Plaintiff's frivolous motion for reconsideration would needlessly add to the burden and expense of this litigation.

Defendants therefore respectfully request that the Court deny the motion for reconsideration without requiring a further response from Defendants.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jyotin Hamid", with a long, sweeping horizontal line extending to the right.

Jyotin Hamid

cc: Ellen O'Connell, Esq. (by e-mail)  
Sarah E. Bouchard (by e-mail)

- Media & Events |
- Press releases |
- Press article

## Smiths Detection Management Change

London, UK, 3 May 2011 - Smiths Group plc today announces that Stephen Phipson, President of Smiths Detection, will step down with immediate effect and divisional management will report to Group Chief Executive, Philip Bowman, in the short term.

Trading in Smiths Detection in the second half of its financial year has fallen short of the Board's expectations as a result of continued delays to orders. Looking to the full year for Smiths Detection, the sales trends seen in the first half are likely to continue through the balance of the year, while full year margins may be affected by the associated operational gearing. Guidance for the other divisions remains unchanged.

The process to appoint a permanent replacement as President of Smiths Detection is underway.

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### Smiths Group

Smiths is a global technology company listed on the London Stock Exchange (SMIN) and operates a sponsored level one ADR programme (SMGZY). A world leader in the practical application of advanced technologies, Smiths Group delivers products and services for the threat & contraband detection, medical devices, energy and communications markets worldwide. Our products and services make the world safer, healthier and more productive. Smiths Group employs more than 23,000 people in over 50 countries. For more information visit [www.smiths.com](http://www.smiths.com)